

THE ATTORNEY GENERAL

OF TEXAS

AUSTIN 11, TEXAS

WAGGODNER CARR ATTORNEY GENERAL

September 13, 1963

Honorable Coke R. Stevenson, Jr. Administrator, Texas Liquor Control Board State Office Building

Austin. Texas

Dear Mr. Stevenson:

Opinion No. C- 140

Interpretation of H.B. 86 as regards longevity pay to commissioned law enforcement personnel of the Texas Liquor Control Board.

You have requested our opinion concerning H.B. 86, the Appropriation Bill of the 58th Legislature, with regard to a specific appropriation for the payment of longevity to commissioned law enforcement personnel of the Texas Liquor Control Board for the years ending August 31, 1964 and 1965.

You specifically ask if such longevity may be paid to those of the following employees who are commissioned law enforcement personnel:

Auditing Division employees;

Division Heads and their assistants;

Accounting Division employees

H. B. 86 provides at page III-121:

"It is expressly provided that the Liquor Control Board pay longevity to commissioned law enforcement personnel of the Board, including the Chief and Assistant Chief of the Enforcement Division, and including Tax Collectors I and II and the Supervisor Tax Collectors. The amounts to be paid to each individual position shall be based on the length of service in the law enforcement functions indicated herein and within the Board, according to the following schedule:

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5 years	\$10	per	month
10 years	20	per	month
15 years	30	per	month
20 years	40	per	month
25 years	50	per	month"

The answer to the above inquiries resolves to the simple question: have such employees been commissioned as peace officers consistent with the provisions of Article 666-7 (b) of the Penal Code? This Article provides that "the Board or administrator is empowered to commission such number of its inspectors and representatives which it deems necessary to enforce the provisions of this Act." Therefore, if the above enumerated representatives of the Texas Liquor Control Board have been commissioned by either the Board or the administrator for the bona fide purpose of law enforcement, they are within the provisions of H.B. 86 providing for longevity pay.

In your letter you set forth that members of the Auditing Division gather evidence of violations of the Texas Liquor Control Act and make administrative cases. You state that division heads and their assistants are responsible for submitting of evidence of violations of the Texas Liquor Control Act and to make administrative cases. You further state that employees of the Accounting Division are responsible not only for issuing permits and licenses, etc., but for making administrative cases. Therefore, on the facts submitted, all employees inquired about appear to be bona fide commissioned peace officers and, as such, are entitled to longevity pay, provided that they have been so commissioned for a sufficient period of time to fall within the required length of service in the law enforcement functions according to said schedule.

SUMMARY

Auditing Division employees, Division heads and their assistants, and Accounting Division employees who are bona fide commissioned law enforcement personnel are entitled to longevity pay as set forth in the schedule contained in H.B. 86.

WAGGONER CARR Attorney General

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Paul Phy Assistant

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APPROVED: OPINION COMMITTEE

W. V. Geppert, Chairman Joseph Trimble Jack Goodman Jim Broadhurst J. Arthur Sandlin

APPROVED FOR THE ATTORNEY GENERAL BY: Stanton Stone